

Federal Communications Commission

DA 93-1495

FCC MAIL SECTION
Before the
Federal Communications Commission
Washington, D.C. 20534

DEC 30 3 28 PM '93

MM Docket No. 93-203
DISPATCHED BY

In the Matter of

Amendment of Section 73.202(b), RM-8245
Table of Allotments, RM-8340
FM Broadcast Stations.
(Islesboro and Winter Harbor,
Maine)¹

REPORT AND ORDER (Proceeding Terminated)

Adopted: December 9, 1993; Released: December 30, 1993

By the Acting Chief, Allocations Branch:

1. In response to a petition filed by Islesboro Broadcasting Company ("Islesboro Broadcasting"), the Commission has before it for consideration the *Notice of Proposed Rule Making*, 8 FCC Rcd 4869 (1993), seeking the allotment of FM Channel 288B1 at Islesboro, Maine. In response to the *Notice*, Winter Harbor Wireless Associates ("WHWA") filed a counterproposal.² Islesboro Broadcasting filed comments supporting the allotment of Channel 288B1 at Islesboro. Islesboro Broadcasting filed reply comments.

2. WHWA's counterproposal requests allotment of Channel 288A to Winter Harbor, Maine. WHWA contends that Islesboro is essentially a bedroom community for surrounding larger mainland towns and cities and is adequately served by several FM radio stations, while Winter Harbor would receive its first local service with the allotment of Channel 288A. According to WHWA, Winter Harbor is a thriving self-contained town with a year-round population of 1,390 persons based on the 1990 U.S. Census. WHWA points out that the town was incorporated in 1895 and maintains its own schools, fire department, post office, library and many small businesses, all associated with Winter Harbor. It is also the site of a major U.S. Naval communications base. WHWA states that Channel 288A would provide service to 24,630 persons in an area of 2,100 square kilometers.

3. The *Notice* requested that Islesboro Broadcasting furnish information to demonstrate that Islesboro has the social, economic and cultural indicia to qualify it as a community for allotment purposes. Islesboro Broadcasting was also requested to clarify the population of Islesboro along with the location of the post office. Islesboro Broadcasting states that the community of Islesboro includes the entire island of Islesboro, which has a full-time population

of 579 persons. Further, it states that Islesboro was incorporated in 1789 and is governed by a town manager and five selectmen. The post office is located on Main Road in Islesboro. The school system on Islesboro is a public system that maintains grades kindergarten through twelve and is managed by the chairman of the school committee. Islesboro Broadcasting states that since Islesboro is an island community, the businesses and associations in Islesboro are intended to serve Islesboro as opposed to other areas. In response to the counterproposal filed by WHWA, Islesboro Broadcasting suggests the allotment of Channel 249A at Winter Harbor. Channel 249A would satisfy WHWA's request for first local service at Winter Harbor while allowing for the allotment of Channel 288B1 at Islesboro as a first local service. Islesboro Broadcasting contends that this proposal resolves the conflict and provides a first local service to both communities.

4. We believe that Islesboro Broadcasting has provided us with sufficient indicia to conclude that Islesboro is a community for allotment purposes. It is an identifiable population grouping with businesses and community organizations which identify themselves with the residents of Islesboro. See *Garrison, Kentucky*, 6 FCC Rcd 1428 (1991).

5. After consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of Channel 288B1 at Islesboro. Channel 288B1 can be allotted to Islesboro, Maine, in compliance with the Commission's spacing requirements provided there is a site restriction 16.7 kilometers (10.4 miles) south of the community.³ The site restriction will prevent a short spacing to Station WHMX, Channel 289C2, Lincoln, Maine. In response to the counterproposal, we believe it would be in the public interest to allot a channel to Winter Harbor. A staff analysis has determined that Channel 249A can be allotted to Winter Harbor, Maine, in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules without a site restriction.⁴ Canadian concurrence has been obtained for Channel 288B1 at Islesboro, Maine, and Channel 249A at Winter Harbor, Maine. The applications for Channel 288B1 at Islesboro must conform with the technical requirements of Section 73.1030(c)(1)-(5) of the Rules regarding protection to the Commission's monitoring station at Belfast, Maine.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **February 14, 1994**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, to read as follows:

Community	Channel No.
Islesboro, Maine	288B1
Winter Harbor, Maine	249A

¹ The community of Winter Harbor has been added to the caption.

² Public notice of the counterproposal was given on October 1, 1993 (Report No. 1975).

³ The coordinates for Channel 288B1 at Islesboro are 44-09-31 North Latitude and 68-53-03 West Longitude.

⁴ The coordinates for Channel 249A at Winter Harbor are 44-23-42 North Latitude and 68-05-06 West Longitude.

7. The window period for filing applications for Channel 288B1, Islesboro, Maine, and Channel 249A, Winter Harbor, Maine, will open on **February 15, 1994**, and close on **March 17, 1994**.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau